

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

EZELL MOORE, JR.
ADC #122740

PLAINTIFF

V.

5:05CV00200 JTR

M. GONDER, Sergeant,
Varner Super Max, Arkansas
Department of Correction, et al.

DEFENDANT

ORDER OF DISMISSAL

In this *pro se* § 1983 action, Plaintiff, who is currently incarcerated at the Varner Unit of the Arkansas Department of Correction, alleges that Defendant Sergeant M. Gonder used excessive force against him on December 23, 2004. *See* docket entries #2 and #5. The case is currently scheduled to proceed to a non-jury trial on July 19, 2006.¹ *See* docket entry #18.

On December 30, 2005, Plaintiff filed a Motion stating that he wishes to voluntarily dismiss this action, without prejudice, so that he can locate an attorney to represent him. *See* docket entry #20. The Court finds good cause for granting Plaintiff's Motion.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion for Voluntary Dismissal (docket entry #20) is GRANTED, and this case is DISMISSED, WITHOUT PREJUDICE.

2. The non-jury trial scheduled for July 19, 2006, is CANCELED.

¹ On December 5, 2005, the parties consented to proceed before a United States Magistrate Judge. *See* docket entry #16.

3. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

Dated this 4th day of January, 2006.


UNITED STATES MAGISTRATE JUDGE